

**CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF THE REGULAR MEETING**

**WESTMINSTER CALIFORNIA  
September 14 2005**

The City Council/Agency Board of the City of Westminster California convened on September 14 2005 at 5 45 p m in a Regular Meeting in the Council Conference Room 8200 Westminster Boulevard Westminster California

**5 30 P M  
CLOSED SESSION**

**CALL TO ORDER**

**ROLL CALL**

PRESENT                RICE PARIS FRY MARSH  
ABSENT                QUACH

**CLOSED SESSION**

The City Council/Redevelopment Agency recessed to a Closed Session for the following purpose

- 1) Pursuant to Government Code Section 54957 Public Employee Performance Evaluation City Manager

**RECESS** At 6 55 p m Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room

**7 00 P M**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING** The City Council/Redevelopment Agency Meeting was reconvened at 7 03 p m in the Council Chambers

**ROLL CALL**

PRESENT                RICE PARIS FRY MARSH  
ABSENT                QUACH

**SALUTE TO FLAG** Mayor Pro Tem Paris

**INVOCATION** Mayor Rice

**REPORT OUT OF CLOSED SESSION**

The City Attorney stated there was nothing to report out of the Closed Session

**SPECIAL PRESENTATIONS**

- A The Mayor and Council Members presented a Resolution of Commendation to Boy Scout Danny Nguyen for his Eagle Scout Project which was to plant trees in two City parks The Public Works Director/City Engineer thanked Danny his fellow boy scouts in his troop and City staff for their assistance

**1 CONSENT CALENDAR****APPROVAL OF MINUTES**

- 1 1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of August 10, 2005, Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of August 22, 2005, and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of August 24, 2005**

ACTION Approved

**ROUTINE MATTERS**

- 1 2 **(City Council) Denial of Claim(s) Against the City from**

- 1 David Parks in the amount of \$10 000 00
- 2 Lewis Rosenberg in an unknown amount
- 3 Sharlene Posey in the amount of \$94 52

ACTION Claims filed against the City were denied

- 1 3 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only**

ACTION Approved

- 1 4 **Proclamation declaring September 17 through 23, 2004 as "Constitution Week" in the City of Westminster (115 00)**

ACTION Approved

- 1 5 **Planned Expenditure of State Law Enforcement Subvented Funds (SLESF), Fiscal Year 2005 06 (109 06)**

ACTION The Mayor and City Council accepted the planned expenditure of State Law Enforcement Subvented Funds in the amount of approximately \$130 000 for fiscal year 2005 06 for the funding offset of one police sergeant position at the police department

- 1 6 Annual maintenance contract for police department dispatching and records management and Alliance PD Central software updates and maintenance for FY 2005 06 (502 03)**

ACTION The Mayor and City Council authorized a purchase order be issued to the Cyrun Corporation a sole source vendor for police department dispatching and records management and Alliance PD Central software updates and maintenance in an amount not to exceed \$40 000

- 1 7 Option year renewal of contract for municipal parking citation processing, payment, and adjudication services for FY 2005 06 (502 20)**

ACTION The Mayor and City Council authorized a purchase order be issued to Turbo Data Systems Inc for police department parking citation process services exercising the first option year renewal of the contract in an amount not to exceed \$32 000

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1 8 Award of Contract for street improvements on 19<sup>th</sup> Street from Beach Boulevard to Monroe Street 20<sup>th</sup> Street from Beach Boulevard to cul de sac east of Jefferson Street, 21<sup>st</sup> Street from Beach Boulevard to Monroe Street, and 22<sup>nd</sup> Street from Beach Boulevard to Monroe Street (502 01)**

Lloyd Duncan resident of Westminster stated that the project should be placed on hold for improper bid procedure because All American Asphalt was the only asphalt company on the bid list and the rest on the list were general contractors

Council Member Marsh said it was his understanding that staff has attempted to find other asphalt companies but those companies have declined He asked the Public Works Director/City Engineer if the ad inviting bids was published in a standard publication to which he answered yes it was

**Motion was made by Mayor Pro Tem Paris** and seconded by Council Member Fry to approve the contract with All American Asphalt in the amount of \$963 149 00 and authorize the City Manager to execute the contract on behalf of the City The motion was carried by a 4 0 vote

- 1 9 Amendment to the Joint Powers Agreement (JPA) for the West Orange County Water Board (502 23)**

ACTION The Mayor and City Council approved the amendment to the West Orange County Water Board JPA and authorized the Mayor to execute the amendment on behalf of the City

- 1 10 Award of Contract for resurfacing three tennis courts and one basketball court at Bolsa Chica Park, and six tennis courts at Park West Park (502 20)**

**ACTION** The Mayor and City Council approved the contract with Taylor Tennis Courts Inc for the above project in the amount of \$22 900 00 and authorized the City Manager to execute the contract on behalf of the City

**1 11 Purchase of one Front End Wheel Loader/Tractor (106 00)**

**ACTION** The Mayor and City Council authorized a purchase order to Quinn Shepherd Caterpillar in the amount of \$130 016 54 (tax included) for the purchase of one Front End Wheel Loader/Tractor

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1 12 Rejection of Bid for Westminster Rose Center – Bid Package No 17 – Specialties (603 02)**

Staff requested that this item be deferred to a date and time uncertain

**Motion was made by Council Member Fry** and seconded by Mayor Pro Tem Paris to defer this item to a date and time uncertain The motion was carried by a 4 0 vote

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1 13 Annual Disadvantaged Business Enterprise (DBE) Program and Annual Goal for the Federal Fiscal Year 2005 06 (deferred from the August 24, 2005 meeting) (603 03)**

Council Member Marsh asked that this item be removed for separate consideration because he had asked staff and the City Attorney to come up with language that would discourage false bidders who add their names as DBE but do not do the work He read the language prepared by the City Attorney to be included in the DBE Program as follows

City has established a Disadvantaged Business Enterprise (DBE) Program pursuant to U S Department of Transportation (DOT) regulations 49 CFR Part 26 Contractor understands that it is responsible for knowing and complying with all these DOT regulations and that it must maintain a monitoring program to ensure compliance by all of its subcontractors In addition City will maintain its own separate compliance monitoring program to ensure all of the identified DBEs actually perform the work they were listed for City will not tolerate any misrepresentation or fraud with regard to Contractor's duties under this paragraph If the City discovers or reasonably suspects any false fraudulent or dishonest conduct by the contractor or any subcontractor in connection with the performance of this Agreement the City will take immediate action to report that conduct to Caltrans and the DOT Contractor understands that any such referral may result in the withholding of funds on the project and may also result in criminal prosecution by the Department of Justice or other legal action by the DOT Inspector General

**Motion was made by Council Member Marsh,** and seconded by Council Member Fry to adopt the DBE Program with the amendment from the City Attorney and approve the DBE goal of 7% for Federally funded projects for the Federal fiscal year 2005 06 The motion was carried by a 4 0 vote

- 1 14 (Agency) Junior Lienor's Consent and Subordination Agreement for the 13<sup>th</sup> Street Intergenerational Apartment Project (deferred from the August 24, 2005 meeting) (502 23)**

ACTION The Chair and Agency Board Members approved the Junior Lienor's Consent and Subordination Agreement for Westminster Housing Partners L P and authorized the Executive Director to execute the agreement on behalf of the Agency

#### **WARRANT REGISTER**

- 1 15 (City Council/Redevelopment Agency) Warrant Register dated August 10 through 30 2005 (105 09)**

ACTION Approved

#### **INFORMATION AND REPORTS**

- 1 16 Minutes of the Planning Commission meeting held August 3, 2005 (104 11)**

ACTION Received and filed

- 1 17 Minutes of the Traffic Commission meeting held August 9, 2005 (104 12)**

ACTION Received and filed

**Motion was made by Mayor Pro Tem/Agency Vice Chair Paris,** and seconded by Council/Agency Member Fry to approve the Consent Calendar with the exception of Item Nos 1 8 1 12 and 1 13 which were removed for separate consideration The motion was carried by a 4 0 1 vote with Council/Agency Member Quach absent

#### **END OF CONSENT CALENDAR**

## **2 ORAL COMMUNICATIONS**

Lloyd Duncan resident of Westminster said that he was told by the Mayor and the Public Works Director/City Engineer that 14<sup>th</sup> Street was repaired but in his opinion it was not true He submitted pictures of 14<sup>th</sup> Street to the Council

Wayne Johnson resident of Westminster stated his complaint about the charges his friend paid to recover a car that was impounded which included a charge for police administration and a second charge at the impound yard Mayor Rice responded that she received Mr Johnson's letter today and referred it to the Police Chief and will wait to hear from him

Captain Waller explained that there is a cost recovery fee which is approved annually by the Council and the storage and towing fee is brought to the Traffic Commission and then to Council for approval

Marie Kabarsky resident of Westminster spoke regarding the condition of the streets

Mayor Rice gave the pictures of 14<sup>th</sup> Street to the Public Works Director/City Engineer and asked him to investigate the matter The Public Works Director/City Engineer said the work will be finished but it is taking longer because of the coordination that is required with Midway City Sanitary District

Fred Madsen resident of Westminster spoke regarding trash cans left out on the curb on days that are not trash collection days and the procedures for reporting vicious dogs

Darrell Nolte resident of Westminster thanked Council and the staff for holding a town hall meeting on the expansion of the I 405 Freeway and for allowing him to present his analysis and comparison of the alternatives

### **3 COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

The Community Development Director reviewed the actions of the Planning Commission meeting of September 7 2005

- 1) 5952 Westminster Blvd (Case 2005 34 Conditional Use Permit) modification of Conditional Use Permit to change ABC license type
- 2) 6312 Garden Grove Blvd (Case 2005 39 Variance) for sign area

Mayor Rice called up Item No 2 for review by the Council

### **4 PUBLIC HEARINGS**

#### **4 1 2004 2005 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) (109 04)**

Time set for a public hearing to receive comments on and approve the 2004 2005 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships Act Program (HOME)

The Community Development Director stated that the annual report tells how the CDBG and HOME funds were expended

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM

Darrell Nolta resident of Westminster spoke in favor of a majority of the agencies who received CDBG and HOME funds however he felt more of the money should be spent on health care that would benefit the poor who live in the City He asked what is the status of the situation with the allegations of gambling at the Asian American Senior Citizen centers He said this threatens the future of receiving federal funds

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM SEEING NONE THE MAYOR CLOSED THE PUBLIC HEARING

**Motion was made by Mayor Pro Tem Paris** and seconded by Council Member Fry to

- 1) Approve the 2004 2005 CAPER for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships Act Program (HOME) and
- 2) Authorize the City Manager to transmit the report to the U S Department of Housing and Urban Development (HUD) on September 29 2005

Council Member Marsh stated it would not be appropriate to speak about the Asian American Senior Citizens centers which are involved in an investigation at this time

The motion was carried by a 4 0 vote

## **5 MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5 1 Council/Agency Member Items**

Council Member Fry inquired regarding digging in the middle of 21<sup>st</sup> Street east of Hospital Circle He noted that it is not marked with barriers

Council Member Marsh announced the passing of his father Paul Marsh and he thanked the support he and his family have received Mayor Rice said that the meeting will be adjourned in his honor this evening

Mayor Rice stated that she received a call from a past Huntington Beach Council member who is on the hospital board who informed her that two other health clinics are now open She said another health clinic will be opening in Westminster and it will be free

Mayor Rice announced that Mayor Pro Tem Paris who recently had surgery wished to leave the meeting and will continue to participate in the meeting at his home where the teleconference notice has been posted

## **RECESS AND RECONVENE**

At 8 15 p m Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting and reconvened the meeting at 8 30 p m Mayor Rice announced that Mayor Pro Tem Paris would be participating in the meeting via teleconference

### **5 1 Council/Agency Member Items (Continued)**

Council Member Marsh gave a report on the last OCTA Policy Committee meeting held on August 10 2005 Council Member Marsh announced that the OCTA Regional Planning and Highways Committee will meet on September 19<sup>th</sup> at 10 00 a m The full OCTA Board will meet on October 14<sup>th</sup> and he invited citizens of Westminster to attend both meetings He commended the Ad Hoc I 405 Expansion Committee for all their efforts

Mayor Rice thanked Council Member Marsh for the way he has represented the City She also thanked the Ad Hoc Committee and City staff

## **6 MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

### **6 1 Donation for Trails4All a non profit organization (deferred from the August 24, 2005 meeting) (103 11)**

**Motion was made by Council Member Fry** and seconded by Council Member Marsh to

- 1) Approve a budget transfer of \$1 000 from General Fund Contingency (Account No 20000 60904) to Public Works Administration Special Departmental Expense (Account No 50000-44020) and
- 2) Authorize a \$1 000 00 donation to the Trails4All organization

The motion was carried by the following vote

AYES	RICE PARIS FRY MARSH
NOES	NONE
ABSENT	QUACH

### **6 2 Ambulance billing services for the City (502 03)**

**Motion was made by Council Member Fry** and seconded by Mayor Pro Tem Paris to waive the formal bid procedure and authorize a purchase order with CMCS for ambulance billing services in an amount not to exceed \$135 000 for the fiscal year 2005 06



Darrell Nolte resident of Westminster inquired about the indefinite nature of the CMCS contract

The Finance Director said he used the word indefinitely to describe the successive one year terms in the contract Council Member Marsh noted that the City has the lowest contract in this area and it would take more money to go out to bid

The motion was carried by the following vote

AYES	RICE PARIS FRY MARSH
NOES	NONE
ABSENT	QUACH

**6 3 Schedule a study session meeting on the Rose Center Financial Operating Plan (deferred from the August 24, 2005 meeting)**

It was the consensus of the Council to schedule a study session meeting at 6 00 p m on Monday September 19 2005 to discuss the financial operating plan of the Rose Center It was also the consensus of the Council to cancel the regular meeting of September 28 2005

**6 4 Selection of a date and time for a study session for discussion of potential budget cuts for Fiscal Year 2005 06**

It was the consensus of the Council to defer selection of a date for a study session to discuss budget cuts until the next regular Council meeting which will be October 12 2005

**7 WRITTEN COMMUNICATIONS (Public)**

**7 1 Consideration of request from the Little Saigon Foundation to reduce the required insurance limits for a Special Event Permit to hold the Moon Festival on Saturday, September 17 2005 between the hours of 10 00 a m and 8 30 p m The event will take place in the Civic Center Sunken Gardens the anticipated attendance is 2,000 people (213 02 LS)**

Council Member Marsh said he was not willing to reduce the insurance for the event because its purpose is to protect the taxpayers

**Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris to deny the request to reduce the required insurance limits for the special event The motion was carried by the following vote**

AYES	RICE PARIS MARSH
NOES	FRY
ABSENT	QUACH

- 7 2 Special Event Permit application from Westminster Foursquare Church to hold their annual Classic Car Show on Saturday October 8 2005 between the hours of 11 00 a m and 3 00 p m The event will take place at the Westminster Foursquare Church located at 8091 22<sup>nd</sup> Street, Westminster The anticipated attendance is 500 people (213 02 WE)**

**Motion was made by Council Member Fry and seconded by Mayor Pro Tem Paris to**

- 1) Take under consideration the request from Westminster Foursquare Church to waive the \$100 Special Event Permit fee and
- 2) Approve the Special Event Permit application subject to the conditions attached to the staff report

The motion was carried by the following vote

AYES	RICE PARIS FRY MARSH
NOES	NONE
ABSENT	QUACH

**8 LEGISLATIVE ITEMS – None**

**9 COMMISSION AND COMMITTEE ITEMS**

- 9 1 Construction of an interactive aquatic play area at Sigler Park (703 13)**


**Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris to**

- 1) Approve allocating \$709 000 in State Park Bond (Murray Hayden) funding for the design and construction of an interactive aquatic play area at Sigler Park and
- 2) Direct staff to distribute a Request for Proposals for design services

The motion was carried by the following vote

AYES	RICE PARIS FRY MARSH
NOES	NONE
ABSENT	QUACH

- 10 **COUNCIL/AGENCY ADJOURNMENT** At 9 10 p m Mayor/Chair Rice adjourned the meeting in honor of Paul Marsh father of Council Member Kermit Marsh to an adjourned regular meeting at 6 00 p m on September 19 2005 in the Council Chambers for the purpose of discussing the financial operating plan of the Westminster Rose Center

  
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Janet Mayfield Assistant City Clerk/  
Acting Agency Secretary